

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Melissa Jenks, Individually and
As Guardian and Next Friend
Of Roderick Jenks

v.

Civil No. 09-cv-205-JD

New Hampshire Motor
Speedway, Inc., et al.

O R D E R

On today's date, a hearing was held on defendants' Motion to Strike Plaintiff's Disclosure of Ronald Schiable (doc. no. 84). For reasons stated on the record, defendants' motion to strike is denied.

At the hearing, the parties reached agreement about the terms of an amended discovery plan as follows:

Dates of Disclosure of Experts and Experts' Written Reports:

Plaintiff's disclosures due on or before April 1, 2011.

Defendants' (NHMS, Thompson and Textron, Inc.) disclosures due on or before June 1, 2011.

Third Party Defendants' (Textron Financial Corp. and A.B.L., Inc.) disclosures due on or before August 1, 2011.

Plaintiff's supplementations due on or before September 1, 2011.

Defendants' supplementations due on or before October 1, 2011.

Completion of Discovery: Discovery shall be completed on or before October 15, 2011

Motions for Summary judgment shall be filed no later than November 15, 2011.

Challenges to Expert Testimony due on or before December 1, 2011.

ADR: The parties shall inform the court as to the status of mediation/ADR on or before December 1, 2011. The court agrees with defendants that ADR would be more effective if scheduled after the summary judgment deadline has passed.

Trial Date: Two week period beginning March 20, 2012.

Although the court understands Mr. Jenks's ongoing treatment issues, the court must weigh those concerns against defendants' right to know what expert testimony (liability and/or damages) they must defend against at trial. Thus, the aforementioned deadlines are firm; no further extensions (or expert substitutions) will be permitted.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: March 18, 2011

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